

## **REMARKS**

This application has been carefully reviewed in view of the current Office Action and the undersigned respectfully requests reconsideration in view of the above the following remarks.

### **The Novak Reference**

As noted in the prior response, the current Office Action utilizes the Novak published patent application (Novak) in formulating each rejection in the current Office Action. Novak discloses a system and method for providing programming to a collection of end users. However, the undersigned submits that Novak differs from Applicant's claimed invention in a number of significant ways as noted in the prior Office Action Response.

### **The Enclosed Declaration**

In addition to the differences noted in the prior amendment, the undersigned submits herewith a declaration under rule 131, executed by all applicants except David Yang. After extensive search, Mr. Yang could not be reached in order to secure his signature. The enclosed petition addresses the lack of signature of Mr. Yang. It is submitted that the declaration of Mr. Harold Fujii, Esq. on behalf of the assignee is adequate to overcome this deficiency in having all signatures of all inventors.

The enclosed rule 131 declaration references the prior declaration of Harold Fujii, Esq. to support certain of the facts surrounding the current situation. It is submitted that the Novak reference is no longer viable prior art in view of this declaration. While such declaration is believed unnecessary in view of the arguments presented previously, it is submitted in order to expedite allowance of the present application. Accordingly, allowance is believed appropriate and is respectfully requested at an early date.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If the Examiner feels that additional issues remain to be resolved prior to allowance of all claims, the undersigned

respectfully requests the courtesy of a telephonic interview prior to issuance of the next Office Action. The undersigned can be reached at the telephone number given below.

Respectfully submitted,



Jerry A. Miller

Registration No. 30,779

Dated: 7/14/2005

Please Send Correspondence to:

Jerry A. Miller

Miller Patent Services

2500 Dockery Lane

Raleigh, NC 27606

Phone: (919) 816-9981

Fax: (919) 816-9982

Customer Number 24337

S/N 09/774,458